

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS

TYLER DIVISION

RANDALL RANDOLPH, #1566662

§

VS.

§

CIVIL ACTION NO. 6:12cv320

DIRECTOR, TDCJ-CID

§

ORDER OF DISMISSAL

The above-entitled and numbered petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 was heretofore referred to United States Magistrate Judge Judith K. Guthrie. The Report of the Magistrate Judge, which contains proposed findings of fact and recommendations for the disposition of such action, has been presented for consideration. Petitioner has filed objections.


Having made a *de novo* review of the objections raised by Petitioner to the Report, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and Petitioner's objections are without merit. Specifically, Petitioner contends he did not learn that he had lost good-time as a result of his disciplinary proceedings until he received a time sheet subsequent to the proceedings themselves. He further contends that the time to have filed grievances regarding the disciplinary conviction had passed and he should not be held responsible for not having exhausted his administrative remedies as a result. However, he should have filed his grievance once he learned of the loss of good-time. Not having done so, he failed to exhaust his remedies. Petitioner's objections are therefore without merit and are overruled. It is therefore

**ORDERED** that the Petitioner's objections are **OVERRULED** and his petition pursuant to 28 U.S.C. § 2254 is **DENIED** and his action is **DISMISSED WITH PREJUDICE** as unexhausted

and procedurally barred from consideration in a federal habeas petition. A certificate of appealability is **DENIED**. All motions by either party not previously ruled on are hereby **DENIED**.

**It is SO ORDERED.**

**SIGNED this 19th day of June, 2012.**



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MICHAEL H. SCHNEIDER  
UNITED STATES DISTRICT JUDGE